SIKKIM

GOVERNMENT GAZETTE

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GOVERNMENT OF SIKKIM
HOME DEPARTMENT
GANGTOK

No. 11/HOME/2005 **Dated: 3.2.2005.**

NOTIFICATION

In exercise of the powers conferred by section 8 of the Identification of Prisoners Act, 1920 (Act 33 of 1920) as extended to the State of Sikkim, the Governor of Sikkim is hereby pleased to make the following rules, namely: -

1. **Short title and commencement: -**

(1) These rules may be called the Sikkim Identification of Prisoners Rules 2004.
(2) They shall come into force with effect from 1st December, 2004.

2. **Definitions:** - In these rules, unless the context otherwise requires:
(a) "Act" means the Identification of Prisoners Act, 1920
(b) "Section" means a section of the Act, and
(c) Words and expressions used in these Rules shall have the same meaning as assigned to them in the Act.

3. **Taking of photograph or measurements:-** Every person required to allow his photograph or measurements to be taken under section- 3 or section 4 shall allow them to be taken under the directions of a police officer.

4. **Place at which measurements and photographs can be taken:-**

Measurements and photographs may be taken-

(1) (a) In jail, if the person whose photographs or measurements are to be taken in jail;
(b) At a police station or at any other place at which the police officer may direct the taking of the measurements or photograph, if the person whose photograph or measurements are to be taken is in police custody.

(2) If the person whose photograph or measurements are to been taken, has been released from jail before his measurements or photographs has been taken or is not in police custody he shall, on receipt of an order in writing from an officer-in-charge of a police station, attend at such place as may be specified in such order, on the date and at the time stated therein, for the purpose of having his measurements or photograph taken.

5. Restriction on the taking of photograph: -

(1) The taking of photographs under section 3 of the Act shall ordinarily be restricted to persons having at least two convictions for an offence of the nature referred to in clause (a) of section 3 of the Act but a person convicted of counterfeiting coins or currency notes, or of cheating, robbery or dacoity, or a person who has exhibited considered preparation or usual skill in the commission of his first offence may be photographed after the first conviction.

(2) Photographs under section 4 shall ordinarily be taken only with the permission of the Inspector General of Police/Superintendent of Police CID/CB and Districts Superintendent of Police.

6. Restriction on the service of an order under Rule 4 for taking measurements and photographs again: - No person whose photographs or measurements have been once taken under section 3 or 4 of the Act shall be required under sub-rule (2) of rule 4 to attend at a Police station or other place, to have such photograph or measurements taken again unless such person again become liable under section 3 or 4 of the Act to have his photograph or measurements taken or unless the photograph or measurements last taken are in the opinion of the Inspector General of Police/Superintendent of Police/Officer in charge, CID/CB or any other local Police Officer.

7. Measurement how to be taken: -

(1) Measurement of the whole or of any part of the body may be taken.

(2) The measurement of a woman shall be taken by another woman with strict regard to decency.

8. Method of taking measurement and photograph and their copies: -

(1) As many copies of finger prints impressions may be taken as are required in accordance with the departmental rules for the time being in force and as many copies of foot print impressions may be taken as may, in the opinion of the police officer taking them be necessary for the identification of the person concerned.

(2) Finger impressions shall be taken by applying printer's ink to the plamar surface of the fingers and thumbs above the first joint and then applying the surfaces so inked to a paper prepared so as to show the impressions of each finger or thumb in the space provided for it.

(3) Foot-print impressions shall ordinarily be taken by applying printer's ink to the sole of the foot and then applying the inked surface to sheet of paper and or by tracing the' outline of the foot with or without shoes or boots on a sheet of paper.

(4) Photographs may be taken full face, side face, head, bust, or full length.

(5) The person to be photographed, shall, when he is not in jail, be first identified by two reliable witnesses. He shall wear his ordinary clothes and shall be bare headed or shall wear head gear as required by the police officer under whose direction the photograph is being taken. Such person may also be required to allow himself to be photographed wearing any other kind of clothes, if there is reason to suspect that he has worn such clothes for the commission of any offence.

9. Custody and disposal of photograph and / or measurements taken under Section 5 of the Act:

When a Magistrate of the first class directs under section 5 of the Act that any person shall allow his measurements or photographs to be taken, the measurements or photographs together with the negative and all copies thereof shall be handed over to the Magistrate giving such direction and shall remain as the property of the Court, to be filled with the records of the Court or otherwise used as the Court may deem fit, and shall, subject to the provisions of section 7 of the Act, be disposed of finally as the Court may order.

10. Custody and disposal of photographs and / or measurements taken under Section 3 of the Act: -

Photographs and measurements taken under section 3 of the Act, together with negative and all copies thereof shall be recorded and kept in safe custody by the Inspector General of Police Superintendent of Police CID/CB. Spare copies of such measurements or photographs may be supplied to any Sub-Division Police Officers or his subordinates within whose jurisdiction there is reason to believe that the person to whom the said measurements or photographs relate has committed an offence.

11. Custody and disposal of other photographs and measurements:-

(i) Photographs and measurements taken under section 4 of the Act, together with all negatives and copies thereof, shall remain in the custody of the Police until the completion of the investigation or until the case is finally decided and thereafter shall subject to the provisions of section 7 of the Act, be disposed of as prescribed in sub-rule (ii).

(ii) The photographs and measurements: -

(a) May if the person to whom they relate is subsequently convicted be retained by any of the following officers, namely (1) the Inspector General of Police/Superintendent of Police CID/CB or (2) the Sub Division Police Officers or any of his subordinates within whose jurisdiction the person was either convicted or arrested or is suspected to have an offence.

(b) Shall be retained by any of the officers if proceedings of the nature mentioned in clause (a) and (b) of section 3 of the Act, have been taken against the person to whom they relate to.

(c) Shall, if they are not retained under clause (a) or clause (b) be destroyed.

12. Reproduction of photographs and measurements in <Police Gazette> etc: - The Inspector General of Police/Superintendent of Police CID/CB may in his discretion, order the reproduction in the Police Gazette of photographs or measurements taken under these rules. All photozinco blocks prepared in connection with such publication shall remain in charge of Inspector General of Police/Superintendent of Police CID/CB, Gangtok.

By order and in the name of the Governor.

N.D. CHINGAPA, IAS
CHIEF SECRETARY
F.No.36/CB/FB/82

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